
New London
SUPERIOR COURT

Short Calendar

Hon. James J. Devine
Hon. Clarence J. Jones
Hon. D. Michael Hurley
70 Huntington Street—New London
9:30 A.M.

Counsel are reminded that the policy of this court is that lawyers who represent clients in matrimonial dissolution actions have a special responsibility for full and fair disclosure (to each other and the court) for a searching dialogue about all of the facts that materially affect the client's rights and interests. See *Mitchell v. Mitchell*, 194 Conn. 312, 322 (1984).

CIVIL RULE P.B. SEC. 11-18 PROCEDURES:

1. COUNSEL AND PRO SE PARTIES SHALL APPEAR ON THE DAY OF SHORT CALENDAR FOR THE FOLLOWING:

A. AS OF RIGHT MOTIONS (STRIKE, DISMISS, SUMMARY JUDGMENT) THAT ARE ARGUABLE AND MARKED READY.

B. ANY MOTION THAT HAS A COURT-ORDERED HEARING (PJRS, INJUNCTIONS, DISSOLUTION OF LIENS, APPTS OF RECEIVERS, MODIFICATION OR EXEMPTIONS OF EXECUTIONS, FOR EXAMPLE) IS CONSIDERED ARGUABLE (EVEN IF IN THE NONARGUABLE SECTION) AND IS MARKED READY.

C. AS OF RIGHT MOTIONS THAT ARE NONARGUABLE, BUT A NOTICE OF INTENT TO ARGUE WAS FILED, AND ALL PARTIES AGREE THAT THE MOTION SHOULD BE HEARD, AND IS MARKED READY.

*OFF MARKINGS ARE NOT NECESSARY FOR THE ABOVE MOTIONS, IF NOT MARKED READY, THE MOTIONS WILL NOT GO FORWARD.

2. COUNSEL AND PRO SE PARTIES SHALL NOT APPEAR AT SHORT CALENDAR FOR THE FOLLOWING:

A. ALL OTHER ARGUABLE MOTIONS AND OBJECTIONS THAT APPEAR ON SHORT CALENDAR, BUT ARE NOT IN ANY OF THE CATAGORIES IN 1. (THESE ARE NON AS OF RIGHT). IF MOVANT WISHED THESE MOTIONS TO GO FORWARD, A READY MARKING IS REQUIRED. THE JUDGE WILL THEN "TAKE PAPERS" ON THESE MOTIONS. IF THE

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JUDGE WISHES TO HEAR ARGUMENT ON ANY OF THESE MOTIONS, A HEARING WILL BE SPECIALLY ASSIGNED AND THE CLERK WILL NOTIFY THE PARTIES OF THE HEARING DATE.

*OFF MARKINGS ARE NOT NECESSARY ON ARGUABLE MOTIONS AND OBJECTIONS. B. NONARGUABLE MOTIONS (WITH THE EXCEPTION OF THOSE DESCRIBED IN "1C") SHALL BE TAKEN ON THE PAPERS UNLESS THEY ARE MARKED OFF. READY MARKINGS ARE NOT REQUIRED FOR NONARGUABLE MOTIONS.

3. NOTE: AS REGARDS NON AS OF RIGHT MOTIONS, EITHER THE MOVANT CAN REQUEST ARGUMENT OR TESTIMONY BY INDICATING SO ON THE BOTTOM OF THE FIRST PAGE OF THE MOTIONS, OR BY RECLAIM SLIP, OR THE NON-MOVING PARTY CAN DO SO BY FILING A NOTICE OF INTENT TO ARGUE ON OR BEFORE THE THIRD DAY OF SHORT CALENDAR.

4. Short Calendar markings will occur from 9:00 a.m. Tuesday to 4:00 p.m. Thursday of the week preceding the Civil Short Calendar. In the event a state holiday falls on Thursday preceding the calendar, matters may be marked from 9:00 a.m. Tuesday to 5:00 p.m. Wednesday. If a state holiday falls on Friday preceding the calendar, matters may be marked from 9:00 a.m. Tuesday to 11:00 a.m. Thursday. Upon release of the Short Calendar Markings Entry transaction on the Judicial Branch website, markings may be submitted electronically based upon the above time periods except that the periods will commence upon system availability, generally 7:00 a.m. Tuesday.

5. Counsel and pro se parties may mark a matter either by fax or by telephone. A standard fax form has been adopted and is available on the Judicial Branch website; a fillable version (JD-CV-85) is under development. Additionally, upon release of the Short Calendar Markings Entry transaction on the Judicial Branch website, attorneys registered with the Statewide Grievance Committee and law firms which have obtained a law firm juris number may enroll and obtain a secure password that will enable them to mark Civil Short Calendar matters electronically. The use of a fax machine or the electronic Short Calendar Markings Entry transaction are encouraged as timesaving methods of transmittal.

6. Regardless of the method of transmittal, counsel and pro se parties are required to provide the following information when making a marking:

- Column number and position on the calendar;
- Name and docket number of the case;
- Number and title of motion;
- Marking;
- Full name of the person making the marking and the firm name, if applicable; and
- Confirmation that all counsel and pro se parties of record have been notified of the marking.

7. Counsel and pro se parties shall bring the confirmation of the marking to the short calendar hearing of an arguable matter. This may be in the form of a fax and a transmittal confirmation sheet, a Short Calendar Markings Confirmation and Receipt produced upon completion of the electronic Short Calendar Markings Entry transaction or a detailed signed statement from the person who telephoned the marking to the court.

8. A fax and a transmittal confirmation sheet, or a Short Calendar Markings Confirmation and Receipt produced upon completion of the electronic Short Calendar Markings Entry transaction serve as an acknowledgment of delivery. A telephone call to confirm delivery is not required. The unnecessary duplicative action of calling to verify receipt is burdensome to the clerks' offices.

9. ALL CIVIL WRITE-INS MUST BE CLEARED BY JEFF FELDMAN, DONNA WOVIOTIS, OR KIMBERLY MCGEE.

10. MARKING LINE - CALL 437-9828 FOR NEW LONDON SHORT CAL., 859-0457 FOR NORWICH SHORT CAL. FAX FOR NORWICH IS 887-8643. FAX FOR NEW LONDON IS 860-442-7703.

SHORT CALENDAR NOTICE FOR FORECLOSURE MATTERS

Provided the matter has been marked "READY," argument will be heard on the day scheduled for short calendar on the following motions: "As of Right" motions listed in P.B. § 11-18 including Motions for Judgment of Foreclosure, Deficiency Judgments, Motions to Approve Committee Sale, Deed, Report, Expenses and Fees, Motions to Open Judgment, Motions for Protection from Foreclosure, and Motions for Judgment on the Mortgage Note.

It shall be at the Court's discretion to accept a "TAKE PAPERS" marking on an "As of Right" motion; those matters for which argument is deemed unnecessary will be taken on the papers while those motions for which argument is required by the Court will be scheduled for a hearing at a later date. The clerk will notify the parties of the hearing date by mail.

Any "Not As of Right" motion which has printed with an "As of Right" motion may be marked "TAKE PAPERS" or, if oral argument is requested pursuant to P.B. § 11-18, it may be marked "READY." If the "Not as of Right" motion is marked "READY" in conjunction with the "As of Right" motion, the Court will hear the matter on the day scheduled for short calendar. If only the "Not As of Right" motion has been marked "READY," the judge will determine whether oral argument is necessary. If oral argument is necessary, a hearing will be scheduled and the clerk will notify the parties of the hearing date by mail. Those matters for which argument is deemed unnecessary will be decided on the papers.

- An Affidavit of Appraisal should be submitted in lieu of testimony except where fair market value is contested. In the case of deficiency judgments, the appraiser shall testify if the appraisal is lower than the fair market value found at the date of judgment or if the fair market value is contested.
- The following originals should be submitted at the hearing on Motion for Judgment of Strict Foreclosure or Motion for Judgment of Foreclosure by Sale: Mortgage Note and Deed (or Affidavit of Loss), Appraisal Report, Affidavit of Debt with updated computation of the debt to day of judgment, and any necessary military affidavits.
- Opposing parties contesting value must file a Notice of Intent to Argue at least 3 days prior to hearing and must certify copies to all counsel and pro se parties of record.
- After a Foreclosure by Sale, the Motion for Supplemental Judgment is to be filed with a copy of the proposed judgment. If supplemental judgment disbursement is held by the clerk, the debt should be calculated to date of disbursement. No appearance should be necessary for a Motion for Supplemental Judgment.
- The Plaintiff shall file an appropriate affidavit indicating compliance with C.G.S. § 8-265dd (the Emergency Mortgage Assistance Payment Program).
- Defaults will not be granted at the time of judgment unless such motions have been filed pursuant to P.B. § 17-20 (Failure to Appear), P.B. § 17-32 (Failure to Plead), and P.B. § 13-19 (No Disclosure of Defense) and there has been compliance with the notice requirements as prescribed in the respective rules. Defaults for Failure to Appear, except as provided in P. B. § 17-23 through 17-30, and Defaults for Failure to Plead will be granted by the clerk. Defaults for Failure to Disclose a Defense will only be placed on the short calendar or heard after compliance with the notice requirements prescribed in P.B. § 10-12 through 10-17.

FAMILY PROCEDURE P.B. SEC. 25-34:

1. ALL FAMILY MOTIONS ARE CONSIDERED ARGUABLE.
2. COUNSEL AND PRO SE PARTIES MUST MARK MOTIONS READY BY CALLING THE CLERK'S OFFICE, AND NOTIFYING ALL OTHER PARTIES OF RECORD.
3. MUST STATE HOW LONG A MOTION WILL TAKE TO ARGUE IF 30 MINUTES OR MORE.
4. COUNSEL AND PRO SE PARTIES SHALL APPEAR ON THE DATE OF SHORT CALENDAR IN CONNECTION WITH ALL MOTIONS MARKED READY.
5. CONTEMPT CITATIONS AND HEARINGS ON CONTINUANCES OF RESTRAINING ORDERS MUST GO FORWARD WHEN ASSIGNED UNLESS EXCUSED BY A JUDGE.
6. THE COURT WILL ACCEPT TAKE PAPER MARKINGS ON THOSE MOTIONS WHICH IT FEELS, IN ITS DISCRETION, MAY GO FORWARD WITHOUT ARGUMENT OR TESTIMONY. EXAMPLES - MOTIONS TO WITHDRAW APPEARANCE, MOTIONS TO TRANSFER, OR CONSOLIDATE, OR INTERVENE.
7. PHONE MARKINGS (READY OR TAKE PAPERS - OFF MARKINGS ARE UNNECESSARY) ARE ACCEPTED UNTIL 4:00 PM ON THE LAST THURSDAY PRECEDING THE SHORT CALENDAR OR 4:00 P.M. ON THE LAST WEDNESDAY IF COURT IS CLOSED ON FRIDAY. NO OVER MARKINGS WILL BE ACCEPTED. FAXED MARKINGS, OR MARKINGS DROPPED OFF AT THE CLERK'S OFFICE WILL BE ACCEPTED.
8. ALL FAMILY WRITE-INS MUST BE CLEARED BY DAVID GAGE OR JORENE COUTURE IN NORWICH.
9. MARKING LINE - CALL 437-9828 FOR NEW LONDON SHORT CAL., 859-0457 FOR NORWICH SHORT CAL. FAX FOR NORWICH IS 887-8643. FAX FOR NEW LONDON IS 860-442-7703.

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